

Chapter 12

HOUSING

ARTICLE I. IN GENERAL.

Sec. 12-1. Title.

This chapter shall be known as the "Housing and Property Maintenance Code of the City of Bristol," hereinafter referred to as "this code," and the standards established by this code shall be referred to as and constitute the minimum property standards of the City of Bristol.

Sec. 12-2. Intent.

This code is intended to protect, preserve and promote public health, safety and welfare; to prevent and control the incidence of communicable diseases; and to reduce environmental hazards to health and safety, insofar as they are affected by the maintenance of residential and nonresidential structures, equipment and premises as provided by this code. This code is further intended to provide minimum and uniform standards governing the condition, occupancy and maintenance of occupied and unoccupied premises and establish reasonable safeguards for the health, safety and welfare of the occupants and users of said premises, the community and the general public to ensure that the maintenance and upkeep of these premises is adequate for protection of public health, safety and welfare. Interpretation of this code shall be made in such a manner as to afford maximum protection of the public health, safety and welfare and violations of this code are specifically declared to constitute public nuisances.

Sec. 12-3. Scope of provisions.

- (a) This code shall apply uniformly to the maintenance, use and occupancy of all premises now in existence or hereafter constructed, maintained or modified and shall include:
- (1) All dwellings or dwelling units, including one- and two-family dwellings and multiple dwellings as defined herein, except as specifically excluded, and any habitable room used for sleeping and/or living purposes.
 - (2) Lots, plots or parcels of land whether vacant or occupied.
 - (3) Buildings of unoccupied use.
 - (4) Accessory structures, accessory to any building use.
 - (5) All apartments, boardinghouses, group homes, lodging houses, rooming houses, tenement houses and unrelated family units.

- (b) This code shall:
 - (1) Establish minimum standards and responsibilities for:
 - a. The maintenance of all premises.
 - b. The safe and sanitary installation and maintenance of basic equipment and facilities.
 - c. Space, density, use and location.
 - d. Lighting and ventilation.
 - e. Electrical and heating facilities and equipment.
 - f. Plumbing.
 - (2) Establish and delegate administration responsibility and enforcement powers and create enforcement procedures.

Sec. 12-4. General responsibilities.

- (a) No person shall maintain any premises which does not comply with the requirements and applicable minimum property standards of this code.
- (b) No person shall occupy as owner-occupant or let to another occupy or use any dwelling or dwelling unit or habitable room, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements and minimum property standards of this code.
- (c) All landlords shall comply with the requirements of this code.
- (d) All tenants shall be responsible for complying with the requirements of this code.

Sec. 12-5. Other codes, ordinances and regulations.

- (a) Unless otherwise specified or granted, the provisions of this code shall apply uniformly to the alterations, repair, equipment, use, occupancy and maintenance of all existing premises within the City of Bristol irrespective of when or under what code or codes such premises were originally constructed, rehabilitated or maintained.
- (b) The provisions in this code shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this code.

- (c) In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other code of the City of Bristol or State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- (d) This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date of this code, and any such violation may be governed and continue to be punishable under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.
- (e) Any alterations to buildings or structures or changes of use therein, which may be caused directly or indirectly by enforcement of this code, shall comply with Chapter 58, Building Construction, Article II, Building Code, in accordance with § 105-5C, the current State of Connecticut Building Code and any and all necessary building permits shall be obtained prior to their performance.
- (f) When other City of Bristol ordinances are expressly referred to in this code, they shall be construed as if included in this code and shall be enforceable under this code.

Sec. 12-6. Severability.

If any terms, phrase, sentence, paragraph, section or article of this code shall be declared invalid for any reason, such decision shall not affect the remaining parts of this code, and such parts shall continue in full force and effect and are hereby declared to be severable.

Secs. 12-7—12-20. Reserved.

ARTICLE II. DEFINITIONS AND WORD USAGE.

Sec. 12-21. Terms - how construed.

- (a) Unless another meaning is clearly indicated by the context, the words listed in this Article shall have the meanings indicated in this Article, and such meanings shall be used in the interpretation and enforcement of this code.
- (b) Where terms are not defined in this code and are defined in other zoning, fire, building or health ordinances of the City of Bristol, they shall have the same meanings ascribed to them in those ordinances.
- (c) Where terms are not defined under the provisions of this code or under the provisions of other ordinances of the City of Bristol, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

Sec. 12-22. Definitions.

(a) The following definitions shall apply in the interpretation and enforcement of this chapter:

ACCESSORY BUILDING OR STRUCTURE - A detached building or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises.

APPROPRIATE AUTHORITY - That person within the governmental structure of the City of Bristol who is charged with the administration of the designated code.

APPROVED - Approved by the local or state authority having such administrative authority.

ASHES - The residue from the burning of combustible materials.

ATTIC - Any story situated wholly or partly within the roof, and so designed, arranged or built as to be used for business, storage or habitation.

BASEMENT - A portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

BUILDING - A fixed construction with walls, foundation and roof, such as a house, factory or garage, which is either vacant or used for any type of occupancy or use.

BULK CONTAINER - Any garbage, rubbish and/or refuse container which is equipped with fittings for hydraulic and/or mechanical emptying, unloading and/or removal.

CELLAR - A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CENTRAL HEATING SYSTEM - A single system supplying heat to one (1) or more dwelling unit(s).

CHIMNEY - A vertical masonry shaft of reinforced concrete or other approved noncombustible, heat-resisting material enclosing one (1) or more flues for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

DILAPIDATED - No longer adequate for the purpose or use for which it was originally intended or decayed or rotted and beyond repair.

DIRECTOR OF HEALTH - The legally designated health authority of the City of Bristol or a representative authorized to act by said Director.

DWELLING - A house or building, or portion thereof, or any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and/or eating by one (1) or more families or households, provided that temporary housing, as hereinafter defined, shall not be classified as a "dwelling." Industrialized housing and modular construction which conform to nationally accepted industry standards and are used or intended for use for living, sleeping, cooking and eating purposes shall be classified as dwellings.

DWELLING UNIT - A dwelling, or portion thereof, forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and/or eating purposes.

EMERGENCY - A condition that poses an immediate threat to the life, health or safety of any occupant or the general public.

EGRESS - An arrangement of exit facilities to assure a safe means of exit from a building.

EXTERMINATION - The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

FAIR MARKET VALUE - A price at which both buyers and sellers are willing to do business.

FAMILY - One (1) or more individuals related by blood, marriage or legal adoption living together and sharing common living, sleeping, cooking and eating facilities. (See also "household.")

FLUSH WATER CLOSET - A toilet bowl which is flushed with water which has been supplied under pressure and which is equipped with a water-sealed trap above the floor level.

GARBAGE - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GRADE - The finished ground level adjacent to a required window.

GUEST - An individual who shares a dwelling unit in a nonpermanent status for not more than thirty (30) days.

HABITABLE ROOM - A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty (50) square feet of floor space, foyers or communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas.

HEATED WATER - Water heated to a temperature of not less than one hundred ten degrees Fahrenheit (110° F.) at the outlet.

HEATING DEVICE - All furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges and other similar devices.

HOUSEHOLD - One (1) or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities. (See also "[family](#).")

INFESTATION - The presence within or around a dwelling of any insects, rodents or other pests.

KITCHEN - Any room used for the storage and/or preparation of foods and containing the following equipment: sink and/or other device for dishwashing; stove or other device for cooking; refrigerator or other device for cool storage of food; cabinets and/or shelves for storage of equipment and utensils; and counter or table for food preparation.

KITCHENETTE - A small kitchen or an alcove containing cooking facilities.

LEAD-BASED PAINT - Any paint containing more lead than the level established by the United States Consumer Product Safety Commission as being the safe level of lead in residential paint and paint products.

LITTER - "Garbage," "refuse" and "rubbish" as defined in this section and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare. "Litter" shall not include clean excavated earth, unless the same may be objectionable by reason of dust or foul odors, or fill material approved by the Director of Public Works. "Litter" shall not include sand, salt or other appropriate chemicals upon any icy or slippery condition.

MULTIPLE DWELLING - Any dwelling containing more than two (2) dwelling units.

OCCUPANT - Any individual, over one (1) year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit, except that in dwelling units a guest shall not be considered an "occupant."

OPERATOR - Any person who has charge, care, control or management of a building, or part thereof, in which dwelling units or rooming units are rented.

ORDINARY SUMMER CONDITIONS - A temperature ten degrees Fahrenheit (10° F.) below the highest recorded temperature in the locality for the prior ten-year period.

ORDINARY WINTER CONDITIONS - A temperature fifteen degrees Fahrenheit (15° F.) above the lowest recorded temperature in the locality for the prior ten-year period.

OWNER - Any person who, alone or jointly or severally with others, shall have:

- (1) Legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Charge, care or control of any premises, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

PERMISSIBLE OCCUPANCY - The maximum number of individuals permitted to reside in a dwelling unit.

PERSON - Includes any individual, firm, corporation, association, partnership, cooperative or governmental agency.

PLUMBING - Includes all connections to water, sewer or gas lines.

PREMISES - A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure or other structure thereon, or any part thereof. The term "premises," where the context requires, shall be deemed to include any and all buildings, dwellings, parcels of land or structures contained within the scope of this chapter.

PRIVACY - The existence of conditions which will permit an individual or individuals to commence and carry out an activity without interruption or interference, either by sight or sound by other individuals.

PROPERLY CONNECTED - Connected in accordance with all applicable codes and ordinances of the City of Bristol as from time to time amended; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

RAT HARBORAGE - Any conditions or place where rats can live, nest or seek shelter.

RATPROOFING - A form of construction which will prevent the ingress or egress of rats to or from a given space or building or from gaining access to food, water or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rats by climbing, burrowing or other methods; by the use of materials impervious to rat gnawing; and by other methods approved by the Director of Health.

REFUSE - All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

REFUSE CONTAINER - Any container that is constructed of metal or other durable material impervious to rodents and that is capable of being serviced without hydraulic and/or mechanical emptying, unloading and/or removal, or such other containers as have been approved by the appropriate authority.

RUBBISH - Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials, but shall not include properly maintained compost.

SAFETY - The condition of being reasonably free from danger and hazards which may cause accidents or disease.

SMOKE DETECTOR - A device certified by a testing laboratory approved by the federal government, which device detects visible or invisible particles of combustion.

SPACE HEATER - A self-contained device of either the convection type or the radiant type and intended primarily to heat only a limited space or area, such as one (1) room or two (2) adjoining rooms.

STRUCTURE - That which has been or is built or constructed and which is or should be fastened, anchored or attached to or which rests on a building, foundation or on the ground, including any buildings, fences, fire escapes, railings, towers, sidewalks or stairways.

SUPPLIED - Paid for, furnished by, provided by or under the control of the owner, operator or agent.

TEMPORARY HOUSING - Any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utility system on the same premises for more than thirty (30) days within any six-month period.

TOXIC SUBSTANCE - Any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

VARIANCE - A difference between that which is required or specified and that which is permitted.

(b) Meaning of certain words. Whenever the words "dwelling," "dwelling unit," "rooming units," "premises" and "structure" are used in this chapter, they shall be

construed as though they were followed by the words "or any part thereof." Words used in the singular include the plural, and the plural the singular; the masculine gender includes the feminine and the feminine the masculine.

Secs. 12-23—12-30. Reserved.

ARTICLE III. MAINTENANCE OF BASIC EQUIPMENT AND FACILITIES

Sec. 12-31. Compliance required; responsibility of occupant.

- (a) No person shall occupy as owner-occupant or let to another for occupancy or use or maintain any premises which does not comply with the requirements of this Article.
- (b) The owner of any premises, unless otherwise specified, shall provide and maintain such premises in compliance with the requirements of this Article.
- (c) Every occupant of a premises shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Sec. 12-32. General sanitation and safety requirements.

- (a) Every owner or operator of a dwelling containing two (2) or more dwelling units shall maintain in a safe and sanitary condition the shared or public area of the dwelling and premises thereof.
- (b) Every occupant of a premises shall maintain in a safe and sanitary condition that part or those parts thereof that the occupant occupies and controls.
- (c) No owner, operator or occupant required to supply any service, facility, equipment or utility shall cause such service, facility, equipment or utility to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by such owner, operator or occupant, except for temporary interruptions, not to exceed eight (8) hours, while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Director of Health.
- (d) All construction and materials, ways and means of egress and installation and use of equipment shall conform to the appropriate statutes, ordinances and regulations dealing with fire protection of the City of Bristol and the State of Connecticut.
- (e) Every supplied facility, piece of equipment or utility shall be so constructed or installed that it will function safely and effectively, and said supplied facilities shall be maintained in working order.

Sec. 12-33. Accessory structures.

Accessory structures present or provided by the owner, agent or tenant occupant on any premises shall be structurally sound, maintained in good repair, free of insects, rats and rodents and comply with the standards specified in this code and the City of Bristol Zoning Regulations, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of lead-free paint or other preservatives.

Sec. 12-34. Food storage cabinets and shelves.

Cabinets and/or shelves used for the storage of eating, drinking or cooking equipment or utensils or of food that does not, under ordinary summer conditions, require refrigeration for safekeeping shall be of sound construction and shall be furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.

Sec. 12-35. Stoves and refrigerators.

Each stove or similar device for cooking food and each refrigerator or similar device for the safe storage of food in a dwelling unit shall be properly installed and maintained, and all necessary connections for safe and efficient operation shall be made. Each such stove and/or refrigerator shall be maintained in a sanitary condition.

Sec. 12-36. Closet space.

Every dwelling unit shall have at least four (4) square feet of floor-to-ceiling height closet space for the personal effects of each permissible occupant. If the closet space is lacking, in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.

Sec. 12-37. Security devices.

No person shall let to another for occupancy any dwelling, dwelling unit or habitable room unless all doors and windows leading to the outside of the dwelling, dwelling unit or habitable room are equipped with functioning security devices.

Sec. 12-38. Doors and optical viewing devices.

In every multiple dwelling containing five (5) or more dwelling units, every entrance or exit to a dwelling unit which opens onto a common corridor or stairway shall be equipped, where the same can be done without violating the National Fire Standards under the rules of the National Fire Protection Association, with a door having an optical viewing device which affords a view of said corridor from the entrance or exit of said

unit of not less than one hundred fifty degrees (150°). Electronic devices affording at least equal viewing may be substituted.

Sec. 12-39. Reserved.

Sec. 12-40. Means of egress.

- (a) Every dwelling unit shall have at least two means of egress leading to safe and open space at ground level. One means of egress must be at ground level. Every dwelling unit in a multiple dwelling shall have immediate access to two or more means of egress leading to safe and open space at ground level, approved by the Director of Health as adequately meeting the purposes of this section, provided that any dwelling unit in existence and not in compliance with this subsection on the effective date of this chapter shall be brought into compliance not later than January 1, 2007, unless granted a variance or extension of time for compliance in accordance with § 12-58 of this code.
- (b) Each room to be used for sleeping purposes and located below the fourth floor shall have at least two means of egress from said room. One means of egress shall be a door or window leading directly to the outdoors. Any egress window must be in compliance with all State Fire and Building Codes and Regulations.
- (c) Egress from each dwelling unit shall be provided without passing through any other dwelling unit.
- (d) All doors and windows intended to provide the means of egress required by this section shall be openable from the inner side without the use of keys.
- (e) All routes of egress shall be free of obstruction of any kind which would hinder, delay or prevent use of said means of egress.

Sec. 12-41. Toxic substances.

- (a) Every owner of a premises shall provide and maintain the premises free from hazards to health, as determined by the Director of Health, due to the presence of toxic substances.
- (b) No owner or occupant shall apply a lead-based paint to any surface of any dwelling or dwelling unit.

Sec. 12-42. Smoke detectors.

- (a) Structures containing one to four dwelling units:
 - (1) Every single-family dwelling or portion thereof rented to another and every dwelling unit contained in a building that contains two or more dwelling units

shall be provided within each said dwelling unit with at least one smoke detector permanently connected to a standard one-hundred-twenty-volt AC supply or operated by a self-contained battery with a minimum of one year of life.

- (2) Every structure containing two or more dwelling units shall also be provided with a smoke detector at the head of each stairway leading to an occupied area.
 - (3) Smoke detectors placed in said dwelling units shall be placed on the main sleeping level so as to properly monitor all sleeping rooms and shall be located so as to meet the approval of the Fire Marshal and Director of Health.
- (b) A smoke detector shall be considered to be in noncompliance with this section, even if it is installed in accordance with the provisions of this section, if it is connected or allowed to be connected to a switch-off electrical circuit or if it is inoperable because of battery deterioration or for any other reason or if it is incapable of providing the warning it is designed to provide to the occupants of the dwelling and/or dwelling units it is intended to serve for any other reason.
 - (c) For the purposes of this code and the designation described in §§ 12-56A and 12-59 of this code, violations of this section are hereby declared to be an immediate hazard to the health, safety and welfare of the occupants and the general public.

Sec. 12-43. Pest, insect and rat control.

- (a) Every building, structure, dwelling and premises shall be pest- , insect- and rat-free and maintained in a pest- , insect- and ratproof condition.
- (b) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of pests, insects and/or rats on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested.
- (c) Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a reasonably pest- , insect- or ratproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner. The owner shall be responsible for any extermination necessary in all exterior areas of the structure and premises.

Sec. 12-44—12-45. Reserved.

Sec. 12-46. Surface standards.

- (a) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, handrail, porch, door, skylight, window and every appurtenance thereto shall be:
 - (1) Safe to use and capable of supporting the loads that normal use may cause to be placed thereon.
 - (2) Free of decay and deterioration, cracks, breaks or holes.
 - (3) Kept structurally sound and in good repair.
 - (4) Free of cracked, chipped, blistered, flaking or peeling paint, cracked or loose plaster or other defective conditions.
 - (5) Weathertight, watertight and damp-free.
 - (6) Free of loose material that may create a hazard by falling on persons utilizing the premises.
- (b) All exterior wood surfaces, other than those of decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based or by other approved protective covering or treatment. Such covering shall be compatible with the existing covering.

Sec. 12-47. Handrails and guardrails.

- (a) Structurally sound handrails shall be provided on any steps containing three risers or more. The handrail shall be in compliance with current building code.
- (b) Structurally sound guardrails shall be provided on corridors, balconies, landings, patios, porches or other areas having more than a three-foot drop to the adjoining level. The guardrail shall be in compliance with current building code.

Sec. 12-48. Reserved.

Sec. 12-49. Roofs and drainpipes.

- (a) All roofs shall be kept in good repair and shall not leak.
- (b) Leaders and drainpipes shall be securely fastened to the structure and maintained in good functional condition. Said leaders and drainpipes shall be kept clean and free of leaks and obstructions and shall direct stormwaters away from the foundation walls of the structure into draining fields or systems and shall protect the structure from wetness and dampness.

Sec. 12-50. Chimneys, flues and vent attachments.

Chimneys, flues and vent attachments shall at all times be maintained:

- (1) Free from observable defects and in a structurally sound condition.
- (2) To provide sufficient draft to exhaust the rated output of the connected equipment.
- (3) Smoketight and capable of withstanding the action of flue gases to which they are subject.

Secs. 12-51—12-60. Reserved.

ARTICLE IV. SPACE, DENSITY, USE AND LOCATION.

Sec. 12-61. General requirements.

- (a) No person shall occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the requirements of this Article.
- (b) The owner of any premises, unless otherwise specified, shall provide and maintain such premises in compliance with the requirements of this Article.
- (c) Every occupant of a premises shall keep all fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Sec. 12-62. Space and density standards.

- (a) Maximum permissible occupancy.
 - (1) The maximum permissible occupancy of any dwelling unit shall be equal to or less than the number of the habitable rooms within the dwelling unit. For the purposes of this subsection, a person one (1) year of age or younger shall not be considered an occupant.
 - (2) For the purposes of this code and the designation described in §§ 12-56A and 12-59 of this code, violation of this standard is hereby declared to be an immediate hazard to the health, safety and welfare of the occupants and the general public.
- (b) In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space for the first occupant, and every room occupied for sleeping purposes by

more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each additional occupant thereof.

- (c) The ceiling height of any habitable room shall be at least seven (7) feet, except that in any habitable room under a sloping ceiling, at least one-half (1/2) of the floor area shall have a ceiling height of at least seven (7) feet, and the floor area of that part of the room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy.

Sec. 12-63. Use restrictions.

- (a) No cellar space shall be used as a dwelling unit.
- (b) No basement space shall be used as a dwelling unit or habitable room unless:
 - (1) Said basement space complies with the standards of this code for dwelling units.
 - (2) The total amount of window area in each room in said basement is equal to at least the minimum window area sizes as required in § 12-35A and such required minimum window area is located entirely above the grade of the ground adjoining such window area. Windows for rescue and ventilation must meet the State Fire Safety and Building Codes.
- (c) No cellar space shall be used as a habitable room unless:
 - (1) The floors and walls of said cellar space are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - (2) The ceiling height of such room or rooms complies with § 12-30C of this code.
 - (3) Said cellar space complies with the lighting and ventilation standards for habitable rooms as contained in this code.
 - (4) Said cellar space complies with the means of egress standards in this code.
 - (5) No cellar space shall be used as a sleeping room unless it complies with the egress requirements from the State Fire and Building Codes.
- (d) The room and floor area of cellar space used as a habitable room shall not be considered for the purpose of determining the maximum permissible occupancy of any dwelling unit.
- (e) No kitchen, nonhabitable space or public space shall be used for sleeping purposes.

- (f) Permit to create or modify existing dwelling.
 - (1) No dwelling unit shall be created within an existing structure or converted, remodeled or altered so as to create an additional dwelling unit unless the Building Inspector has determined that it is in conformity with City of Bristol Zoning Regulations, and has issued a written permit certifying that the plans and specifications for such work indicate that the provisions of the State Building Code will be complied with for all dwelling units affected.
 - (2) No such dwelling unit shall be occupied unless:
 - a. The Fire Marshal of the City of Bristol has examined the premises for conformance to the fire and safety codes of the state and town and issued an inspection report certifying that the dwelling units comply with such codes; and
 - b. The Director of Health has examined the premises for conformance to this code and issued an inspection report certifying that the dwelling units comply with the provisions of this code.
 - c. A certificate of occupancy is issued by the City of Bristol Building Department.

Sec. 12-64. Location standards.

- (a) No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment, intended for use by occupants of more than one (1) sleeping room, can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room. An exception shall be permitted to this paragraph for units in existence on August 7, 1962 and continuously occupied for use by one family.
- (b) A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement or cellar or to the exterior of the dwelling units.

Secs. 12-65—12-75. Reserved.

ARTICLE V. LIGHTING AND VENTILATION.

Sec. 12-76. Compliance required.

- (a) No person shall occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the requirements of this Article.

- (b) The owner of any premises, unless otherwise specified, shall provide and maintain such premises in compliance with the requirements of this Article.
- (c) Every occupant of a premises shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Sec. 12-77. General requirements.

All common areas or rooms shall be provided with sufficient and adequate lighting and ventilation so as not to endanger the health, safety and welfare of any person using such space.

Sec. 12-78. Lighting standards.

- (a) Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors, provided that, if connected to a room or area used seasonally (e.g. porch), then adequate daylight must be possible through this interconnection; have a minimum total window area, measured between stops, at least twelve and one-half percent (12.5%) of the floor area of such room; whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area; and whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent (15%) of the total floor area of such room.
- (b) Every bathroom and water closet compartment and nonhabitable room used for food preparation shall comply with the light standards for habitable rooms contained in this code, except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition which is approved by the Director of Health.
- (c) Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or artificial light at all times, so as to provide in all parts thereof at least ten (10) footcandles of light at the tread of floor level. Every public hall and stairway in structures containing not more than two (2) dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.

Sec. 12-79. Ventilation standards.

- (a) Every habitable room shall have at least one (1) window or skylight facing directly outdoors which can easily be opened or closed or such other device as will

adequately ventilate the room, provided that, if a habitable room is connected to a room or area used seasonally, then adequate ventilation must be possible through this interconnection. The total of openable window area in every habitable room shall be equal to at least forty-five percent (45%) of the minimum window area size or minimum skylight-type window size as required in § 12-35, except where there is supplied some other device affording adequate ventilation and approved by the Director of Health.

- (b) Interior climate-control facilities (heating, cooling and/or humidity) shall be maintained and operated in a continuous manner and in accordance with the design capacity of the installed equipment. When such equipment is inoperative because of power or mechanical failure, alternative provisions for fresh air ventilation of each dwelling or dwelling unit shall be provided.
- (c) Every bathroom and water closet compartment and nonhabitable room used for food preparation shall comply with the ventilation standards for habitable rooms contained in this section, except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition which is approved by the Director of Health.

Sec. 12-80. Windows, doors and other openings.

- (a) All windows, doors and openings intended to be left opened to the outside shall be kept in good repair and workable condition and shall be easily opened and closed by the occupants of the premises.
- (b) Every window, exterior door and hatchway or similar device shall be so constructed as to exclude insects during that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects.
- (c) No broken, cracked or missing window panes shall be allowed.
- (d) Every doorway used for ventilation and opening directly from a dwelling unit to outside space shall have supplied properly fitting screens having at least Sixteen mesh and shall have a safe closing device.
- (e) Every window or other device that is opened to outdoor space shall be supplied with screens fixed to the frame, except that such screens shall not be required in rooms deemed by the Director of Health to be located high enough as to be free from such insects and/or in rooms located in areas of the City of Bristol which are deemed by the Director of Health to have so few insects as to render screens unnecessary.
- (f) All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a half-inch diameter or more opening shall be rodent and ratproofed in an approved manner if they are within forty-eight (48) inches of the

existing exterior ground level immediately below such openings or if such opening may be reached by rodents or rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs and other items, such as trees or vines, or by burrowing.

- (g) All windows located at or near ground level used or intended to be used for ventilation, all other openings located at or near ground level and all exterior doorways which might provide an entry for rodents or rats shall be supplied with adequate screens or such other devices as will effectively prevent the entrance of rats into the premises.
- (h) The owner of a dwelling unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this chapter or any rule or regulation adopted pursuant thereto, except where there is a written agreement between the owner and occupant obligating the occupant to do so. In the absence of such an agreement, maintenance or replacement of screens, storm doors and windows, once installed in any one (1) season, becomes the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling unit.

Secs. 12-81—12-100. Reserved.

ARTICLE VI. ELECTRICAL AND HEATING FACILITIES AND EQUIPMENT.

Sec. 12-101. Compliance required.

- (a) No person shall occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the requirements of this Article.
- (b) The owner of any premises, unless otherwise specified, shall provide and maintain such premises in compliance with the requirements of this Article.
- (c) Every occupant of a premises shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Sec. 12-102. General requirements.

All electrical and heating facilities and equipment shall be maintained in a manner so as not to be a hazard to the health, safety and welfare of any owner, occupant, family, guest or person using or relying on the use of such facilities or equipment.

Sec. 12-103. Electric facilities and equipment.

- (a) Every dwelling, and all public and common areas of dwellings, shall be supplied with electrical service, outlets and fixtures. Electrical services, outlets and fixtures

shall be maintained in working order, properly installed and shall be connected to a utility supplied energy source.

- (b) Every dwelling unit shall be supplied with at least one 15 ampere branch circuit. This circuit shall not serve more than one dwelling unit. Additional circuits may be required to be installed at the discretion of the Director of Health after consultation with the Electrical Inspector of the City of Bristol.
- (c) Every habitable room shall contain at least two separate wall type duplex receptacle convenience outlets or one duplex receptacle and one wall or ceiling type light fixture. No duplex receptacle outlet shall serve more than two electrical utilization devices.
- (d) Temporary wiring or extension cords shall not be used as permanent wiring.
- (e) All nonhabitable rooms, including furnace rooms, basements, public halls and like areas, shall contain at least one ceiling or wall type electric light fixture. All bathrooms and laundry rooms shall be provided with one duplex electric outlet. All kitchens shall be supplied with at least two duplex electric outlets, one of which shall supply the countertop surfaces.
- (f) All electric light fixtures shall be controlled by switches.

Sec. 12-104. Heating facilities and equipment.

- (a) Every dwelling or every dwelling unit shall have functioning water-heating facilities which are properly installed and maintained in safe and good working condition, which are properly connected with the hot-water lines required under the provisions of this code and which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred ten degrees Fahrenheit (110° F.). Such supplied water-heating facilities shall be capable of meeting the requirements of this section even when the dwelling or dwelling unit heating facilities required under the provisions of this code are not in operation.
- (b) Every dwelling shall have heating facilities which are properly installed, which are maintained in a safe and good working condition and which are capable of safely and adequately heating all habitable rooms, bathrooms and water closets in every dwelling unit located therein to a temperature of at least sixty-five degrees Fahrenheit (65° F.) at a distance two (2) feet above floor level and one (1) foot from an exterior wall. For the purposes of this code and the designations described in §§ 12-56A and 12-59 of this code, violations of this standard are hereby declared to be an immediate hazard to the health, safety and welfare of the occupants and the general public.

- (c) No unvented fuel-burning room heater shall be used in any residence other than an owner-occupied single-family residence, unless such heater is fueled by natural gas or propane and is equipped with an oxygen depletion sensor.

Secs. 12-105—12-115. Reserved.

ARTICLE VII. PLUMBING.

Sec. 12-116. Compliance required.

- (a) No person shall occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the requirements of this Article.
- (b) The owner of any premises, unless otherwise specified, shall provide and maintain such premises in compliance with the requirements of this Article.
- (c) Every occupant of a premises shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Sec. 12-117. General requirements.

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in a safe and sanitary working condition, free from defects, leaks and obstructions and capable of adequately serving the permissible occupancy of each dwelling unit.

Sec. 12-118. Water closets.

Within every dwelling unit, there shall be a nonhabitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be equipped with easily cleanable surfaces, be properly connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be properly connected to a sewer system which is approved by the Director of Health.

Sec. 12-119. Lavatory sink.

Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the Director of Health and which provides at all times an adequate amount of heated and unheated running water under pressure and which is properly connected to a sewer system

approved by the Director of Health. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.

Sec. 12-120. Bathing facilities.

Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the Director of Health and which provides at all times an adequate amount of heated and unheated water under pressure and which is connected to a sewer system approved by the Director of Health. Water inlets for bathtubs shall be located above the overflow rim of these facilities.

Sec. 12-121. Kitchen sink.

Every dwelling unit shall contain in every kitchen a kitchen sink in good working condition and properly connected to a water supply system which is approved by the Director of Health and which provides at all times an adequate amount of heated and unheated running water under pressure and which is connected to a sewer system approved by the Director of Health.

Sec. 12-122. Water drainage.

- (a) Every roof of every structure shall contain a drainage system which shall drain and convey from said roof all rain water, and said drainage system shall be so constructed and maintained as to prevent dampness and wetness in the walls, ceilings or floors of any room in any dwelling unit contained in said structure.
- (b) All premises shall be graded, drained, free of standing water and maintained in a clean, safe and sanitary manner.

Sec. 12-123. Construction and maintenance.

- (a) All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed and maintained to prevent the ingress or egress of rats and other rodents to or from a premises.
- (b) Every water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

Secs. 12-124—12-130. Reserved.

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT.

Sec. 12-131. Enforcement responsibility.

The Director of Health shall be responsible for enforcing the provisions of this chapter and carrying out the intent of this code as specified in Sec. 12-2. Such authority shall include but not be limited to citing violations, determining enforcement actions, granting variances, assessing fines, filing liens, implementing enforced abatement, declaring dwellings as unfit, ordering demolition and initiating legal actions.

Sec. 12-132. Rules and regulations.

The Director of Health is hereby authorized to make, adopt, revise and amend procedural rules and regulations as he or she deems necessary to administer the purposes of this code.

Sec. 12-133. Inspections.

- (a) The Director of Health is authorized and empowered to make inspections of all premises located within the City of Bristol pursuant to:
 - (1) A complaint that an alleged violation of the provisions of this chapter or of applicable rules or regulations pursuant thereto may exist; or
 - (2) When the Director of Health has sufficient reason to believe that a violation of this chapter or any rules or regulations pursuant thereto has been or is being committed.
- (b) The Director of Health shall be required to disclose all records of investigation conducted in accordance with this code with respect to any premises, only as required by the Connecticut Freedom of Information Act.
- (c) If an owner, occupant or other person in charge of a premises fails or refuses to permit free access and entry to the premises under his control, or any part thereof, with respect to which an inspection authorized by this code is sought to be made, the Director of Health may petition a court of competent jurisdiction to obtain an inspection warrant.

Sec. 12-134. Notice of violation.

- (a) Whenever the Director of Health determines that any premises or any part thereof fails to meet the requirements set forth in this code or in applicable rules and regulations issued pursuant thereto, the Director of Health, in accordance with existing federal, state and/or municipal law, shall issue a notice of violation setting forth the alleged failures and advising the owner, occupant, operator or agent that such failures must be corrected. This notice shall:
 - (1) Be in writing.

- (2) Describe the premises where the violations are alleged to exist or to have been committed.
 - (3) Specify each alleged violation of this code or of applicable rules and regulations issued pursuant thereto.
 - (4) Specify the last day by which such violations shall be corrected.
 - (5) Specify any appeal procedure.
 - (6) Be served upon the owner, occupant, operator or agent of the premises personally or by certified mail, addressed to the owner, occupant, operator or agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in or about the premises described in the notice and by causing such notice to be published in a newspaper of general circulation in the City of Bristol for a period of five consecutive days.
- (b) At the end of the period of time allowed for the correction of any violation alleged, the Director of Health shall reinspect the premises described in the notice to determine compliance with the notice of violation.
- (c) The Director of Health may hold administrative hearings regarding violations of this code and corrective actions being taken and shall make such procedural rules as necessary to take action to correct alleged violations.

Sec. 12-135. Penalties for offenses.

- (a) Each violation of any provision of this code shall be considered a separate offense hereunder.
- (b) Each day any violation of any provision of this code shall continue shall constitute a separate offense hereunder.
- (c) Each separate offense of this code shall be punishable by a fine of not less than \$15 nor more than \$60. The Director of Health shall establish by regulation a fine schedule for each standard described in this code. In addition to the fines set forth in this subsection, an additional administrative fee of \$2 per \$10 of the amount of the fine(s) payable hereunder, or any fraction thereof, shall be payable to the City of Bristol by each person to whom a citation is issued.
- (d) The total cumulative fine in any case shall not exceed \$600 per day nor shall the total penalty exceed \$9,000.

- (e) Any owner, occupant, operator or agent of any premises who has received proper notice of violation of this code and failed to correct such violation by the date specified in such notice shall be punishable by a cumulative fine for each separate offense and shall be liable for payment to the City of Bristol within 30 calendar days of the request for payment thereof.
- (f) No fine shall be due while a reconsideration, hearing or appeal is pending in the matter; however, such action shall not prevent further accumulation of the penalty if the order is upheld.
- (g) The imposition of any fine shall not be construed to prevent the enforcement of other laws upon the premises nor to prevent the initiation of other enforcement measures or penalties.
- (h) Failure to pay any fine arising from the enforcement of this code shall constitute a debt in favor of the City of Bristol. The Director of Health may bring civil or criminal action against the debtor in court for the payment of such fine.
- (i) Upon failure to correct any violation of this code by the specified date, the Director of Health may, in addition to other penalties and actions, bring civil or legal action against the violator, may institute a civil action for injunctive relief to require abatement, may initiate enforced abatement or demolition procedures or declare the premises as unfit for human habitation.

Sec. 12-136. Necessary repairs.

- (a) Whenever an owner, operator or agent of any premises fails, neglects or refuses to make repairs or other corrective action ordered by the notice of violation issued pursuant to this code, the Director of Health by or through agents, employees, servants and/or contractors may undertake such repairs or action, when in the Director's judgment a failure to make them will endanger the public health, safety or welfare, and the cost of such repairs and action will not exceed 50% of the fair market value of the premises to be repaired.
- (b) Notice of the intention to make such repairs or take other corrective action shall be served upon the owner, operator or agent pursuant to § 12-53A(6) of this code.
- (c) Every owner, operator or agent of a premises who has received notice of the intention of the Director of Health through agents, employees, servants and/or contractors to make repairs or take other corrective action shall give entry and free access to the agent of the Director of Health for the purpose of making such repairs. Any owner, operator or agent of a premises who refuses, impedes, interferes with or hinders or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action shall be subject to a penalty of not less than \$50 for each such failure to comply with this section.

- (d) When repairs are made or other corrective action taken at the direction of the Director of Health, the cost of such repairs and corrective action shall constitute a debt in favor of the City of Bristol against the owner of the repaired structure. In the event such owner fails, neglects or refuses to pay the City of Bristol the amount of this debt within 10 days of written demand therefore, it shall be recoverable in a civil action against the owner or the owner's successor, brought in a court of competent jurisdiction by the City of Bristol which shall possess all rights of a private creditor.

Sec. 12-137. Declaration of unfit dwellings.

- (a) The Director of Health shall declare any premises unfit for human habitation when any of the following defects or conditions is found and when in the Director's judgment such defect creates a hazard to the health, safety or welfare of the occupants or of the public:
 - (1) Any premises which is damaged, decayed, dilapidated, unsanitary, unsafe and/or vermin-infested and/or contains hazardous levels of lead-based paint or other substance.
 - (2) Any premises which lacks basic illumination, ventilation, plumbing, electrical, heating or required sanitation facilities.
 - (3) The general condition of the premises is unsanitary, unsafe and/or unhealthful.
 - (4) Any premises which is in violation of § 12-19B, 12-30A, 12-31 or 12-41B of this code.
- (b) Whenever any premises has been designated as unfit for human habitation, the Director of Health shall placard the premises indicating that it is unfit for human habitation and, if occupied, shall order such premises vacated within a reasonable time, said time to be not less than twenty-four (24) hours nor more than ten (10) days. This section shall not restrict any action of the Director of Health in vacating such premises if acting under § 12-59 of this code.
- (c) Whenever any tenant in any premises is displaced as the result of the enforcement of this code against the owner, the owner of such building, dwelling, dwelling unit or structure shall be liable for any payments made by the town to any displaced tenant pursuant to Chapter 135 of the General Statutes. The Director of Health may place a lien on any real property owned by such owner to secure repayment to the town of such payments, such lien having the same priority as and shall be filed, enforced and discharged in the same manner as a lien for municipal taxes under Chapter 205 of the Connecticut General Statutes. If any owner fails to reimburse the town for any payments which the town has made to any displaced tenant and for which the landlord is liable, the town may bring civil action against such owner in

Superior Court for the recovery of such payments and for the costs of the town, together with reasonable attorney's fees, in bringing such action.

- (d) Whenever any premises has been placarded and vacated, the Director of Health may order services and utilities to be turned off or disconnected and all utility meters to be removed. All charges for discontinuance or restoration of such services and utilities shall be the owner's or tenant's expense.
- (e) For any premises which has been designated as unfit for human habitation and vacated, it shall be the duty of the owner to close all windows, doors and other openings by suitable means so that unauthorized use or access into the premises is prevented.
- (f) No premises which has been designated as unfit for human habitation, has been placarded as such and vacated shall be used again for human habitation until written approval is secured from the Director of Health and the placard removed by the Director of Health.
- (g) The Director of Health shall rescind the designation as unfit for human habitation and remove the placard when the defect or condition upon which such designation and placarding was based has been removed or eliminated and the premises is deemed by the Director of Health as safe, sanitary and a fit place for human habitation.
- (h) No person shall deface or remove the placard from any premises which has been designated as unfit for human habitation and has been placarded as such, except as provided in Subsection F.
- (i) Whenever any premises has been designated as unfit for human habitation, such order shall be filed with the Bristol Town and City Clerk for inclusion in the land records of the town.
- (j) Any person affected by any decision of the Director of Health or by any designation or placarding of a premises as unfit for human habitation shall upon request be granted a hearing on the matter before the Housing Code Appeals Board under the procedure set forth in § 12-58 of this code. However, such appeal will not stay the designation or placarding of a premises as unfit for human habitation and the actions required by such order.

Sec. 12-138. Demolition.

- (a) The Director of Health shall order a premises to be demolished if it has been designated as unfit for human habitation, has been placarded as such, has been vacated, has not been put into proper repair so as to rescind the designation as unfit for human habitation and to cause the placard to be removed and is determined by the Director of Health not to warrant repair under § 12-55A.

- (b) The owner of any premises which has been ordered demolished shall be given notice of this order in the manner provided for service of notice in § 12-53 and shall be given a reasonable time, not to exceed one hundred twenty (120) days, in which to demolish such structure.
- (c) Any owner aggrieved by the notice to demolish may, within seven (7) days, seek a reconsideration of the matter in the manner hereinafter provided and may seek a hearing in the manner provided in § 12-58.
- (d) When the owner fails, neglects or refuses to demolish an unfit, unsafe or unsanitary premises within the requisite time, the Director of Health may apply to a court of competent jurisdiction for a demolition order. The court may grant such order when no reconsideration or hearing on the matter is pending. The cost of such demolition shall create a debt in favor of the City of Bristol against such owner; such costs shall be recoverable in a civil action brought by the City of Bristol which shall possess all the rights of a private creditor.
- (e) Whenever a premises is demolished, whether carried out by the owner or by the Director of Health, such demolition shall include the filling in of the excavation on which the demolished structure was located in such manner as to eliminate all potential danger to the public health, safety and welfare arising from such excavation.
- (f) All demolition shall be preceded by an inspection of the premises by the Director of Health to determine whether or not extermination procedures are necessary. If the premises is found to be infested, appropriate rat extermination to prevent the spread of rats to adjoining or other areas shall be instituted before, during and after demolition.

Sec. 12-139. Appeals.

- (a) There is hereby created a Housing Code Appeals Board which shall consist of seven (7) members who shall be nominated by the Mayor and appointed by the City Council. Each member of said Housing Code Appeals Board shall be an elector of the City of Bristol. Initial appointments will be made so that three (3) members will serve until December 31, 2006, two (2) will serve until December 31, 2007, and two (2) will serve until December 31, 2008. Upon the expiration of the initial terms, subsequent appointments shall be for a term of three (3) years, commencing the first day of January. The Board shall designate a Chair and Vice Chair from among its members. The Board shall meet as necessary and at such times as the Board may determine.
- (b) Any person aggrieved by a notice or order of the Director of Health issued in connection with any alleged violation of this chapter or of any applicable rule or regulation issued pursuant thereto or by any order requiring repair or demolition

may apply to the Housing Code Appeals Board for a reconsideration of such notice or order, provided that such application is made within fourteen (14) calendar days after the date of the receipt of the original notice or order.

- (c) The Housing Code Appeals Board shall serve for the purpose of hearing appeals to this code. The Code Appeals Board shall adopt reasonable rules and regulations for the conduct of its meetings and investigations and shall render all decisions and findings in writing to the applicant and the Director of Health; and all decisions and findings shall be made part of the public record. The applicant shall be notified by certified mail.
- (d) The Housing Code Appeals Board, upon receipt of an appeal, shall set a time and place for a hearing thereon and shall advise the applicant in writing of such time and place at least seven (7) calendar days prior to the date of said hearing. The hearing hereunder shall be held within ten (10) calendar days of the receipt by said Housing Code Appeals Board of said appeal.
- (e) At such hearing, the applicant shall be given an opportunity to be heard and to show cause why such notice or order should be modified, extended, withdrawn or a variance granted.
- (f) The Housing Code Appeals Board, by a majority vote of the members present, may sustain, modify or withdraw the notice or order. The Housing Code Appeals Board may grant a variance by a majority vote of the full membership of the Board. The Housing Code Appeals Board may not alter in any manner in the amount of any fine or the imposition of any other enforcement action or penalty for violations, unless such notice or order is withdrawn.
- (g) The Housing Code Appeals Board may grant an extension of the time for compliance with any order or notice for not more than six (6) months subject to conditions it deems appropriate, provided that the Code Appeals Board makes specific findings of fact based on evidence relating to the following:
 - (1) There are practical difficulties or unnecessary hardships in carrying out the strict letter of the notice or order as it applies to the specific case that outweigh the benefits to the occupants and general public.
 - (2) Such an extension is in harmony with the general purpose and intent of this chapter in securing the public health, safety and general welfare.
 - (3) The extension will not serve the purpose of transferring responsibility for compliance to another party by, for example, sale or transfer of ownership.
 - (4) The violations continuing during the period of the extension will not constitute a danger to the health and safety of the occupants or the general public.

- (h) The Housing Code Appeals Board or the Director of Health, as a result of an administrative hearing held pursuant to Subsection C hereof, may grant a variance in a specific case and from a specific provision of this chapter subject to any conditions deemed necessary by the Board or the Director to assure continued conformance to the provisions of this chapter and the protection of the public health. Notwithstanding the above, the Board or the Director may grant the variance only if specific findings of fact are made based on evidence related to the following:
 - (1) There are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order as it applies to the specific case that outweigh the benefits to the occupants and general public health.
 - (2) The effect of the variance will not be contrary to the health and safety of the occupants of the premises or the general public.
 - (3) An extension would not constitute an appropriate remedy under the circumstances of the particular case.
 - (4) Such variance is in harmony with the general purpose and intent of this chapter in securing the public health, safety and general welfare.
- (i) No variance shall be construed as having general application to the enforcement of the specific part of this code from which the variance is granted.

Sec. 12-140. Emergencies.

- (a) Whenever, in the judgment of the Director of Health, an emergency exists which requires immediate action to protect the public health, safety or welfare, an order may be issued, without a hearing or appeal, directing the owner, occupant, operator or agent to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the Director of Health may immediately act to correct or abate the emergency.
- (b) The owner, occupant, operator or agent shall be granted a hearing before the Housing Code Appeals Board on the matter upon his request, as soon as practicable, but such appeal shall in no case stay the abatement or correction of such emergency.
- (c) Whenever a violation of § 12-19, 12-20, 12-29A or 12-40B is noticed, the Director of Health may proceed under the authority granted by this section of the code, when in the Director's judgment the protection of the public health, safety and welfare requires that it take immediate action.

Sec. 12-141. Effect of other rules and regulations.

No rule, regulation or schedule of fines made or set by the Director of Health or the Housing Code Appeals Board pursuant to this Housing and Property Maintenance Code shall be effective until its effective date after adoption by the City Council of the City of Bristol.

Secs. 12-142—Sec. 12-159. Reserved.